

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

STEVEN A. GOLSON, JR.,

Plaintiff-Petitioner,

vs.

TIM BRUNSMAN, WARDEN,
LEBANON CORRECTIONAL
INSTITUTION,

Defendant-Respondent.

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Case No. 3:08cv012

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING, *NUNC PRO TUNC*, REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
(DOC. #12) ON PETITIONER'S MOTION FOR RELIEF FROM JUDGMENT
PURSUANT TO RULE 60(b)(4) and (6) (Doc. #11); PETITIONER'S
OBJECTIONS TO SAID JUDICIAL FILING (DOC. #13) OVERRULED;
MOTION FOR LEAVE TO FILE *IN FORMA PAUPERIS* AND CERTIFICATE
OF APPEALABILITY DENIED; THIS DECISION AND ENTRY *NUNC PRO
TUNC* APRIL 14, 2008; TERMINATION ENTRY

On April 14, 2008, this Court, noting that no Objections had been filed to the Supplemental Report and Recommendations of the United States Magistrate Judge (Doc. #15) on Petitioner's Motion for Relief from Judgment pursuant to Fed. R. Civ. P. 60(b)(4) and (6) (Doc. #11), and further, after reviewing the reasoning and citations of authority set forth in that judicial filing, adopted same (Doc. #16). However, inexplicably, this Court did not, at the same time, adopt the Initial Report

and Recommendations of the United States Magistrate Judge (Doc. #12) on Petitioner's aforesaid Motion for Relief from Judgment (Doc. #11).

Accordingly, pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in his Report and Recommendations filed February 26, 2008 (Doc. #12), on Petitioner's Motion for Relief from Judgment (Doc. #11), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court adopts said Report and Recommendations (Doc. #12) in their entirety and, in so doing, overrules the Petitioner's Objections thereto (Doc. #13).

This Order is *Nunc Pro Tunc* April 14, 2008, in order to illustrate that the purpose of this Entry is to simply clarify and correct an omission in its Order of Adoption (Doc. #16), dated April 14, 2008, which purported to adopt only the Supplemental Report and Recommendations.

The captioned matter is now in a posture for appeal. Given that the Petitioner has failed to make a strong showing of the denial of a constitutional right and that reasonable jurists would not find the decision rendered herein debatable, and, further, given that any appeal from this Court's decision would be objectively

frivolous, this Court denies both a Certificate of Appealability and leave to appeal *in forma pauperis*.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

September 24, 2008

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Steven A. Golson, Jr., Pro Se

Chief Magistrate Judge Michael R. Merz

Florence P. Ebert, 6th Cir. Court of Appeals, Cincinnati, OH